IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22169 of 2004

Between:

1 K. Harisingh S/o Somani Naik
R/o Bharadwaj Apartments, Dilsukhngar, Hyderabad
2 Smt. K. Tarabai W/o K. Hari Singh
R/o Bharadwaj Apartments, Dilsukhngar, Hyderabad

..... PETITIONERS

AND

The Commissioner, Serilingampally Municipality,

Ranga Reddy District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction, declaring the action of the respondent in rejecting the application of the petitioners for construction of a residential house in proceedings Lr. No. G/628/BP/810/2003 dated 7.1.2004 as illegal, arbitrary, discriminatory and violative of Article 14 of the Constitution of India and contrary to Section 209 of Municipalities Act and the Rules made thereunder and consequently direct the respondent to reconsider the application submitted by the petitioners on par with similarly situated persons.

Counsel for the Petitioners: MR.N.SUBBA RAO

Counsel for the Respondent: MR.POLISETTI RADHAKRISHNA

The Court, at the admission stage, made the following:

ORDER:

The petitioners claim to be owners and possessors of Plot Nos.7 and 8 situated in Survey No.211 of Madinaguda village, Serilingampally Municipality, having purchased the same under registered sale deeds dated 21.12.1988. It is stated that the petitioners made an application dated 26.12.2003 to the respondent-Municipality by paying Rs.17,210/- towards necessary fees to accord permission for construction of a residential building, but the same was rejected by the respondent-Municipality under the impugned proceedings dated 07.01.2004. The grievance of the petitioners is that immediately after receipt of said rejection order dated 07.01.2004, they again submitted applications dated 12.01.2004 and 26.07.2004 to the respondent-Municipality seeking to reconsider the issue, but the respondent-Municipality neither considered nor rejected the same. Hence, they filed the present writ petition.

Heard the learned counsel for petitioners and learned Standing Counsel for respondent-Municipality.

When the matter taken up for hearing, learned Standing Counsel for respondent-Municipality submitted and admitted to by the learned counsel for the petitioners that the relief sought for by the petitioners in this writ petition was already complied with by the respondent-Municipality by granting construction permission to the petitioners vide Proceedings No.G/628/BP/810/2003, dated 29.12.2004. A copy of the said proceedings is also produced before this Court. In that view of the matter, no further orders need to be passed in this writ petition.

Accordingly, the writ petition is closed at the admission stage. No costs.

SD/- P.V.RADHAKRISHNA RAO

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Serilingampally Municipality,

Ranga Reddy District

2. Two CD copies.

3. One CC to Mr. Polisetti Rachakrishna, Advocate. (OPUC)

4. One CC to Mr. N. Subba Rao, Advocate. (OPUC)

P.M.

Dated: 31-12-2004

ORDER

Closing of the WP

At the admission stage.